

reconsidered and all claims allowed. The following remarks will follow the order set forth in the Office Action.

Drawings

For these reason set forth in the Applicants amendment, dated February 19, 2003, the Applicants have not submitted formal drawings and request that the objection be held in abeyance until allowable subject matter is indicated. *See 37 CFR §1.111(b).*

Claim Rejections – 35 USC §103

Claims 1 – 5 were again rejected under 35 U.S.C. §103 as obvious in view of DeBush in combination with Williams. In making this rejection, it was again asserted that DeBush teaches all of the claimed elements, except for the claimed adjustable hub, that Williams discloses the adjustable hub, and that the combination of Williams and DeBush renders the Applicants' claimed invention obvious. The Applicants respectfully disagree with this assertion and, in response, incorporate by reference the arguments set forth in the Amendment dated February 19, 2003. In addition, the Applicants have submitted the attached Declaration Under 37 CFR §1.132 of John D.K. Karp, P.E. in support of their arguments.

a) Lack of Motivation to Include Adjustable Hub

First, the Applicants assert that the frictionally mounted cap and cylinder arrangement of Williams neither reads upon, nor suggests, the Applicant's claimed adjustable hub, as the cap and cylinder arrangement of Williams is not attached to the bottom portion of the housing. Rather, this means "91" attaches to the chassis, which is fully concealed by the "housing bottom cover 25" that attaches about "chassis edge 9".

*Id. at column 3, lines 45-46.* This "bottom cover 25" of Williams is the element that

relates to the bottom portion of the Applicants' housing and not the chassis 3, to which the cap and cylinder mates.

As noted in the Applicants' Amendment of February 19, 2003, the Applicants' claimed peak flow meter is a relatively inexpensive unit that is merely intended to provide a user with a visual indication of peak flow, and does not include any electronics that would require batteries. *See Application, page 6, lines 15 – 18.* Accordingly, the Applicant utilizes a simple two-piece housing that is molded, permanently assembled, and calibrated using the adjustable hub. Because of this fact, it is imperative that the adjustable hub be located upon the bottom portion of the housing, as this cover may not be removed after assembly.

Looking now to the alleged suggestion to modify DeBush, based upon the adjustment means 91 of Williams, to include the claimed adjustable hub, the Applicants assert that no such suggestion exist in the documents themselves and that such a modification would be unsuccessful at achieving the results of the Applicants' claimed invention. The bottom cover 25 of Williams "is preferably made removable from chassis 3 for ease in changing the batteries, cleaning the air passageways, and selecting various positions of the dip switch 111 to isolate certain parameters apart from one another". *Williams, at column 6, lines 13 – 18.* Because this cover is removable, the spring attached between the adjustable hub and vane would likewise need to be removable. However, this is impractical given the arrangements of both DeBush and Williams, as such removability would require the disconnection of the spring from the vane and, consequently, a subsequent recalibration of the meter once the cover was replaced. Given the fact that such calibration must be done at the factory, this would

mean that the user would need to send the unit back to the manufacturer, or live with reduced accuracy, effectively defeating the purpose of the adjustable hub.

The Applicants' asserted lack of motivation to combine the DeBush and Williams references is supported by the attached Declaration Under 37 CFR §1.132 of John D. K. Karp, P.E.. Mr. Karp, a Professional Engineer and one of at least ordinary skill in the relevant arts, has declared that he "would not be motivated to modify the DeBush device, based upon the adjustment means of Williams, to include the claimed adjustable hub, as such a modification would be unsuccessful at achieving the results of the Applicants' claimed invention." He further declares that the "lack of motivation is based upon the fact that Williams teaches a spring located in the "cylinder", which is an intermediate part between the main body and the shaft and that adjustment of this spring would require the disconnection of the spring from the vane and, consequently, a subsequent recalibration of the meter once the cover was replaced."

b) Lack of teaching or suggestion of claimed flow restriction

In addition to the Applicants' assertion that the combination of DeBush and Williams is novel and unobvious due to the differences in the adjustable hub, the Applicant likewise asserts that the claimed invention is unobvious due to the failure of any of the cited references to teach or suggest "a flow restriction disposed within said housing and in fluid communication with said air inlet, said flow restriction being dimensioned to create a back pressure within said housing", as claimed by the Applicant in claim 1.

The Applicants' asserted lack of any teaching or suggestion of such a flow restriction is likewise supported by the attached Declaration Under 37 CFR §1.132 of

John D. K. Karp, P.E.. Mr. Karp has declared that "the DeBush patent teaches a meter having a single flow passage that does not create any back pressure within the housing." Mr. Karp further declared that "Williams fails to teach a flow restriction that creates back pressure within the housing, but rather teaches a vane which rotates on an axis which is not coincident with the center of the flow channel's arc, creating a variable channel opening as the vane moves." Based upon these assertions, Mr. Karp declared, "neither DeBush nor Williams discloses a flow meter having a flow restriction dimensioned to create a back pressure within the housing, as claimed by the Applicant."

For the reasons set forth above, the Applicants assert that claim 1, as amended, is novel and unobvious in light of the cited art. Further, insofar as claims 3 – 7 depend from claim 1, the Applicants assert that these claims are likewise novel and unobvious.

Conclusion

It is felt that a full and complete response has been made to the Official Action and, as such, places the application in condition for allowance. Such allowance is hereby respectfully requested. If the Examiner feels, for any reason, that a personal interview will expedite the prosecution of this application, the Examiner is invited to phone the Applicants' attorney at the number set forth below.

Respectfully submitted,



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